

UNITED STATES v. ZACARIAS MOUSSAOUI (NO. 01-455)
SUBSTITUTION FOR THE TESTIMONY OF
"MARY"

If called to testify, this witness would say the following:

Positions

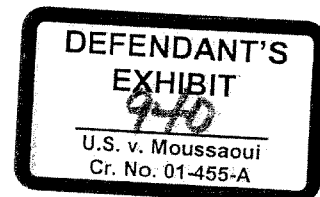
"Mary" was an FBI detailee to the Usama Bin Laden Unit in the Counterterrorism Section (CTC) at the CIA. (A detailee is an employee from one organization who is loaned to another.) Mary was detailed to the CTC UBL Unit in April 1998 as a targeting officer. She was responsible for handling information and requests for action concerning a designated area of responsibility. She remained in that position from 1998 through at least 2001.

Prior to joining the CIA, Mary had been assigned as an Intelligence Research Specialist at the FBI's Washington Field Office. Her position was subsequently moved from that Field Office to FBI Headquarters in the Usama Bin Laden Unit, which was part of the International Terrorism Operations Section (ITOS).

When Mary was initially detailed to the CIA, there was no memorandum of understanding or other clear directions as to her responsibilities. Her CTC work was directly supervised by CIA personnel and she had some interaction with FBI managers. She was not supervised by FBI Headquarters personnel.

Embassy Bombings

Shortly after being detailed to the CIA CTC, the bombing of the U.S. Embassies in East Africa occurred so Mary immediately began working on that case. She worked closely with the analysts in the FBI UBL Unit, including Dina Corsi.



Sharing of Information with FBI

As to the information sharing process between the FBI and CIA, Mary could only release information to the FBI with permission from her CIA supervisors. Her position was with the CIA, and she took her direction and guidance from CIA management.

As to the limitation in information exchanges due to the "wall," Mary had no specific training concerning the "wall" and it was never an impediment to her activities. The "wall" issue arose in the summer of 2001, when FBI UBL analyst Dina Corsi attempted to have photographs from the Malaysian meeting passed over the "wall" to the agents working the USS Cole criminal investigation.

With respect to information flow at the FBI in 2001 pre-9/11, it was easy to lose things at the FBI due to their dependence on paper. The FBI computer system at that time was antiquated and inadequate. The inability to maintain automated records classified above Secret made the entire system wholly unusable for terrorism matters. Mary was often surprised by how well the FBI was able to perform despite their antiquated information technology.

Malaysian Meeting in January 2000

Mary could not recall having direct contemporaneous knowledge of the January 2000 meeting in Kuala Lumpur, Malaysia attended by Khalid al-Mihdhar and Nawaf al-Hazmi. Mary had been cc'd on some CIA internal e-mails concerning the meeting. She probably read these e-mails, but she had not been assigned to work the information and she had no direct interest in the participants of the meeting at that time.

May 2001

Mary first became involved in the Malaysia meeting in May 2001. CTC UBL Unit Deputy Chief "John" had always been interested in the Malaysia meeting and he was especially concerned about any potential ties between the USS Cole investigation and the Malaysia meeting. Mary was tasked with getting up to speed on the issues when she had time.

June 2001

On June 11, 2001, there was a meeting at the FBI's New York Field Office (NYFO) attended by representatives of FBI Headquarters, NYFO and the CIA. Mary recalls being invited to that meeting by Dina Corsi, who described the meeting as a brainstorming session and information sharing concerning the investigation of the attack on the USS Cole. In addition to herself, one other representative of the CIA attended the meeting named "Peter," who was a CIA CTC analyst who had worked on the Cole investigation. Dina Corsi attended the meeting along with others whose names Mary could not recall, including some FBI Special Agents from the NYFO.

At the meeting, the attendees sat at a table and brainstormed various ideas and shared information. Mary could not recall any significant ideas or leads being developed during the meeting. In a "sidebar" after the meeting, Corsi showed the Malaysia meeting photographs to some of the NYFO agents. Corsi had brought the photographs. Mary was present when the photographs were displayed, but was not directly involved.

Neither Mary nor the other CIA representative were asked any questions by the agents from the NYFO at the June 11 meeting and they never refused to provide any information. Mary was not completely "up to speed on the case" at the time so she was not in a position to provide information. She did not know, for instance, that Mihdhar and Hazmi had attended the Malaysia meeting with Khallad, that Mihdhar had a multiple-entry U.S. visa, or that Hazmi had entered the U.S. on January 15, 2000.

July 2001

Between July 13, 2001 and the end of July, Mary drafted a cable to another CIA office requesting follow-up information about the Malaysia meeting. The cable included a reference to the identification of Khallad in one of the Malaysia meeting photographs by a joint CIA-FBI source. The cable also stated that Khallad and Mihdhar had been in Malaysia at the same time, possibly together. On the same day that Mary drafted this cable, she located one of the CIA cables referencing Mihdhar's possession of a U.S. visa.

August 2001


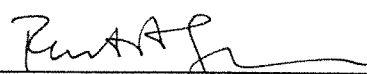
Mary got a handle on the Cole/Malaysia meeting issues and “it all clicks for me” in August 2001. On August 21, 2001, she obtained a CIA cable dated March 5, 2000 containing the January 2000 travel information of Khalid al-Mihdhar, Nawaf al-Hazmi, and a third individual. That cable reported that Hazmi had traveled to Bangkok, Thailand on January 8, 2000, and had subsequently traveled on a United Airlines flight to Los Angeles, California on January 15, 2000. The cable also stated that Mihdhar had arrived in Bangkok on January 8, apparently in the company of the third individual, and that it was unknown if and when Mihdhar had departed. The cable identified the third individual as Salah Saeed Mohammed Bin Yousaf and it noted that both Yousaf and Mihdhar were still watchlisted by Thai immigration authorities. After 9/11, Yousaf was identified as Khallad.

After seeing the March 5, 2000 cable, Mary contacted the U.S. Customs Service representative at the CIA CTC and discovered that Mihdhar has entered the United States in July 2001. Mary immediately relayed to Dina Corsi in a voicemail message on August 21, 2001 that she (Mary) had something important to discuss with her. On August 22, 2001, Mary met with Corsi concerning Mihdhar/Hazmi and the imperative to “find these guys.” There always was an imperative to find anyone affiliated with al Qaeda if they were believed to be in the United States. Mary cannot recall specifically discussing what Corsi intended to do other than her (Corsi) indication that she planned on sending out FBI leads.

Also on August 22, 2001, Mary and Corsi met with “John” in his office at FBI Headquarters to discuss the discovery that Mihdhar had recently entered the United States and there was no record of his departure. All of them realized it was important to initiate an investigation to determine whether Mihdhar was still in the United States and locate him if he was.

Mary asked a co-worker to place Mihdhar and Hazmi on U.S. watchlists and she wrote up the predicated material in an August 23, 2001 CIA cable to the appropriate agencies, a copy of which is attached as Defendant’s exhibit 468. (At the time, there were several watchlists. The State Department used the VISA/VIPER system, within which was the

TIPOFF system that focused on suspected terrorists. The Immigration and Naturalization Service maintained the LOOKOUT system, which was also available to the Customs Service through TECS.) The August 23 cable described Mihdhar and Hazmi as "Bin Ladin-related individuals," who had "confirmed links to terrorist operatives," and who had engaged in "suspicious activities while traveling in East Asia." Mihdhar was further described as "possible travel of terrorist to the U.S.," and the cable states that both Mihdhar and Hazmi were "allegedly associated with a terrorist organization." The cable also described the travel of Mihdhar and Hazmi and recommended that they "be watchlisted immediately to be denied entry into the United States."

Agreed:  
Counsel for Mr. Moussaoui Counsel for the United States

Date: March 11, 2006